

FILED IN CLERK'S OFFICE
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT
OF GEORGIA

In The United States District Court
For The Northern District of Georgia
(Atlanta Division)

2023 APR 25 AM 11:13

M. REGINA THOMAS
CLERK

Richard Smith
DEPUTY CLERK

IN RE,)	
)	CHAPTER 13
BARBARA ALBYTINE GIBBS,)	
)	
Debtor,)	
_____)	CASE No. 19-54809-WLH
)	
M. EUGENE GIBBS,)	
)	
Appellant,)	
)	
v.)	Case No. _____
)	
BARBARA ALBYTINE GIBBS,)	
NATIONSTAR MORTGAGE LLC)	
d/b/a MR. COOPER, and)	
BANK OF AMERICA,)	
)	
Appellees.)	
_____)	

MOTION TO FILE APPEAL and
TO FILE WITHOUT PAYING COSTS

NOW COMES, Interested Party M. Eugene Gibbs, Esq. and files this motion to appeal the orders of Judge Hagenau's protective order, and to file without paying costs. The reasons for these motions are more fully set forth below:

1.

I. Interlocutory Order

Generally, an interlocutory order is not appealable. However, where, as here, Interested Party M. Eugene Gibbs, Esq., is not a party to the bankruptcy; AND, the information sought – is done so for the purpose of concluding current litigation in other jurisdictions, and to file new litigation – it is a final judgment. Therefore, within

the US Court of Appeals for the Eleventh Circuit, such an appeal is permitted – as a matter of right!

2.

This appeal will determine whether the integrity of the courts within this district is up for barter and sale. There must be a determination as to whether protecting judge Hagenau, who destroyed her legal and moral obligations, is more important than the integrity of the courts. AND, whether Bank of America and Nationstar Mortgage having paid more than \$20 billion dollars in BRIBES to politicians and judges – may determine the outcome before this court!

3.

Judge Hagenau is a codefendant with Debtor in a RICO lawsuit Interested Party M. Eugene Gibbs filed (EDNY No. 22-00011) in which Gibbs has a pending petition for writ of certiorari before the US Supreme Court. Judge Hagenau should have recused as required by 28 USC § 455:

The Supreme Court addressed recusal in the 2009 case *Caperton v. A. T. Massey Coal Co.* (08-22). In that case, one party requested that a judge recuse himself because the other party's CEO spent over \$3 million getting the judge elected. Even though the Supreme Court found that there was no evidence that the judge was biased, it still held that he had to recuse himself.

4.

After Gibbs filed an emergency motion for injunction (***September 2019: Adv. Pro. No. 19-5272***) to save his grandson (December 17, 1980 – August 22, 2020), Judge Hagenau ignored Gibbs' emergency motion. Judge Hagenau concern was solely saving Nationstar Mortgage and Bank of America money after [t]hey DEFAULTED. Judge Hagenau engaged in ex-parte communications with their attorney who failed

to file an answer or respond, see p. 7. Thereafter, Judge Hagenau litigated on behalf of Nationstar and BOA.

5.

Judge Hagenau seeks to protect Nationstar because Nationstar's Proof of Claim (POC) contains Nationstar's self-proving business records – proving Nationstar does not own Gibbs' mortgage note (the mortgage note is owned by Freddie Mac: not a party to the bankruptcy); that Gibbs never missed a mortgage payment; and Nationstar's persecution of Gibbs during these 10 years, are done so to conceal the theft of \$50 billion dollars of Black Art, and conceal the theft of \$3 trillion dollars from 10 million Homeowners, the Treasury Department, Fannie Mae and Freddie Mac.

Artists' HEIRS living on \$500 a month Social Security; surviving on dog food and worse...15.000 Homeowners have committed SUICIDE – 3 each day.

Bank of America made two (2) of the worse corporate acquisitions in history: purchase of Merrill Lynch and Countrywide Financial – causing BOA to consider a \$2 trillion dollars BANKRUPTCY. TODAY, BOA has assets of \$4 trillion dollars – **CRIME DOES PAY!**

6.

*Judge Hagenau knows Gibbs' propounded Interrogatories will expose Nationstar not being a party-in-interest and who suffered no damages, expose Judge Hagenau's improper/criminal acts and end Nationstar's continuing criminal enterprise. **But for Judge Hagenau protecting Nationstar's proven continuing criminal enterprise, Gibbs would not have suffered irreparable damages, and would not continue to suffer irreparable damages.***

7.

Judge Hagenau's only concern is protecting Nationstar's continuing criminal enterprise by allowing Nationstar and Bank of America to push forward millions of fraudulent computer-generated Assignment of Mortgages. And allowing the payment of \$10 billion dollars in BRIBES. Gibbs' life, Debtor's life, and the lives of Gibbs' daughter (July 5, 1964 – May 29, 2019) and grandson (December 17, 1980 – August 22, 2020) are of no value to Judge Hagenau. We will all be DEAD before Judge Hagenau will permit the real party-in-interest (FREDDIE MAC) to be listed as the owner of Debtor's mortgage note. When Nationstar's crimes, in violation of RICO, are exposed, Nationstar will no longer be able to pay BRIBES, protect the defendants in the \$50 billion dollars stolen Black Art lawsuit (**Judge Hagenau is a codefendant**) and the protected PEDOPHILES WILL BE EXPOSED!!!

8.

Nationstar's Proof of Claim (POC), containing self-proving business records – proves Nationstar committed: PERJURY, SUBORNATION OF PERJURY (18 USC §1622), FRAUD ON THE COURT and OBSTRUCTION OF JUSTICE – all in violation of the Racketeering Influence Corrupt Organization Act (RICO 18 USC §§ 1961 and 1964).

9.

Because Judge Hagenau dismissed Gibbs' Adversary Proceeding in which Nationstar had an opportunity to file a counterclaim, but did not do so, Nationstar cannot file an Adversary Proceeding to dispossess Gibbs' of

Gibbs' interest in the Georgia home. Therefore, doubling down on Nationstar's criminal acts: having Judge Hagenau to aid and abet the crimes – is the only way Nationstar can force the sale of Gibbs' Georgia home.

10.

INVITATION TO GIBBS' MURDER

Gibbs provided Judge Hagenau evidence – proving beyond a reasonable doubt – Nationstar purchased Gibbs' current mortgage from Wintrust Mortgage without providing notice to Gibbs as required by: Section 404 of the Helping Families Save Their Homes Act of 2009 (P.L. 111-22), which amends 15 U.S.C. Section 1641 et seq. And evidence proving Nationstar expanded their criminal enterprise to force Gibbs to pay money not due to defraud the FOREBERANCE PROGRAM. All acts designed to have Judge Hagenau declare moneys not owed, force the sale of Gibbs' homes and cause Gibbs' DEATH.

11.


Bank of America and Nationstar's continuing criminal enterprise will commit murder to protect the theft of \$3 trillion dollars. Judge Cline (Sundquist v. Bank of America) found Bank of America's conduct so egregious, Judge Kline sanctioned them \$45 million dollars.

CONCLUSION

The Court should not require Gibbs to pay for an appeal in which the Court has already determined Gibbs' appeal will be dismissed to protect Judge Hagenau and \$20 billion dollars in BRIBES paid by Bank of America and Nationstar Mortgage.

WHEREFORE, Interested Party Gibbs prays the Court grants the requested relief, save Gibbs' life, inform Gibbs of the extent of BRIBES paid, ORDER the REDUSAL of Judge Hagenau to protect the integrity of the courts and grants such other and further relief this Honorable Court deems just and proper, at law and equity, general or special, to which Gibbs has shown himself justly entitled.

Respectfully submitted,



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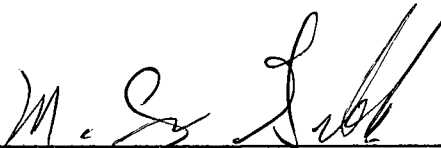
April 21, 2023
Buford, GA

CERTIFICATE OF SERVICE

I, M. Eugene Gibbs, hereby certify that a copy of Interested Party's Motion to file appeal and without costs was served electronically this 22nd day of April 2023, addressed to:

Maria C. Joyner,
Attorney for Chapter 13 Trustee
mjoyner@njwtrustee.com, and

Howell A. Hall, Esq.
Kathlyn Flora Ibrahim Fouad Khashan
logsecf@logs.com



M. Eugene Gibbs, Esq., Pro-se

From: Cynthia Eaden <Cynthia_Eaden@gand.uscourts.gov>
Sent: Friday, September 15, 2019 5:19 PM
To: Rogers, Paul A. <PRogers@mcclurewoods.com>
Subject: 19-05272-WLH Gibbs v. Gibbs et al.

Hello Mr. Rogers,

Pro Se Plaintiff, Mr. Gibbs has contacted Chambers requesting an emergency hearing on Plaintiff's Motion for Stay and/or Injunction (Doc #7) and Plaintiff's Motion for Declaratory Judgment (Doc #8). Although no response(s) have been filed, given your attendance at prior hearings, I am reaching out and requesting your availability over the next several weeks.

If you are not the correct party regarding this matter, please forward to appropriate party and disregard as to your inability.

Thank you,

Sincerely,

Cynthia A. Eaden

Deputy Clerk



Clk of Judge Wendy L. Macerao

U.S. District Court, D. Georgia

Atlanta, Georgia 30303

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CLEARED DATE

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